

**MINUTES OF THE REGULAR PLANNING BOARD MEETING
MONDAY, JULY 13, 2009
COUNCIL CHAMBERS, CITY HALL
2263 SANTA CLARA AVENUE – 7:00 PM**

President Kohlstrand called the meeting to order at 7:05 p.m.

FLAG SALUTE: Board Member Cook

ROLL CALL:
PRESENT: President Kohlstrand, Vice-President Ezzy Ashcraft,
Board members Cook, Cunningham, Lynch, and
Autorino.

ABSENT: None

STAFF PRESENT: David Brandt, Assistant City Manager/Planning and
Building Director, Andrew Thomas, Planning
Manager; Simone Wolter, Planner; Nancy McPeak,
Executive Assistant/Recording Secretary

MINUTES:
Minutes from the meeting of March 9, 2009 (pending)
Minutes from the meeting of March 23, 2009 (pending-
additional information)
Minutes from the meeting of April 27, 2009 Approved 6-0-0
Minutes from the meeting of May 11, 2009 (pending)
Minutes from the meeting of June 8, 2009 (pending)

5. AGENDA CHANGES AND DISCUSSION:

Items 8A and 8B were moved to the Regular Agenda Items.

6. STAFF COMMUNICATIONS:

Written Report

6-A Fiscal Year 2009/2010 Work Program Review

Staff presented the Work Program and provided an overview of the reorganization initiative, which will continue through the fiscal year.

President Kohlstrand welcomed David Brandt on behalf of the Planning Board. She also requested that the Waterfront Design Guidelines and sustainable ordinances be raised to a higher priority. In addition, she asked for an end of calendar year report on the progress of the Work Program.

Vice-President Ezzy Ashcraft and Board member Cook seconded these comments. Board member Cook added that the General Plan Land Use element would benefit from an inclusion of design concepts for the Northern Waterfront Mixed Use areas.

6-B Future Agendas

Staff presented the future agendas for summer/fall.

6-C Zoning Administrator Report – The Zoning Administrator approved a Use Permit for a legal non-conforming residential use at 2418 Buena Vista Avenue and a Use Permit for one year for a car rental business at 1716 Park Street on June 16, 2009.

7. ORAL COMMUNICATIONS:

- * Anyone may address the Board on a topic not on the agenda under this item by submitting a speaker's information slip, subject to the 5-minute time limit.

None from the public.

President Kohlstrand presented a proclamation honoring Board member McNamara's tenure as a Planning Board member and her dedication and distinction in serving the City of Alameda.

8. CONSENT CALENDAR:

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Board or a member of the public by submitting a speaker slip for that item.

Items 8A and 8B were moved to the regular calendar.

8-C Zoning Text Amendment – Applicant – City of Alameda. The City of Alameda Planning Board will be considering and developing a recommendation to the City Council on a proposed amendment to the City of Alameda off-street parking regulations for the Park Street and Webster Street Commercial Districts. The proposed amendments establish new minimum and maximum off-street parking requirements and changes to the parking in-lieu fee requirements.

Board member Cunningham moved, seconded by Vice-President Ezzy Ashcraft to move this project to a future date. The motion passed 6-0-0.

9. REGULAR AGENDA ITEMS:

8-A Harbor Bay Business Park Association, Harbor Bay Isle Associates and Harbor Bay Entities -- Bay Farm Island (Primarily Harbor Bay Isle) DA89-01. A request for a Periodic Review of Development Agreement DA89-01, for the period through April 4, 2009, as required under Zoning Ordinance Section 30-95.1. The properties are zoned R-1-PD (One Family Residence/Planned Development Zoning District); C-M-PD (Commercial Manufacturing Planned Development Zoning District); O (Open Space Zoning District), and R-1-A-H (One Family Residence with Special Agricultural and Height Limit Combining Zoning District). (JB)

Board member Autorino excused himself from hearing and voting on this item due to a conflict of interest.

Vice-President Ezzy Ashcraft asked for clarification on the development agreement and resolution's statement about Catalina Road's street design and its acceptance as a private or public road by the City of Alameda.

President Kohlstrand opened the public comment period.

D. Reidy, Harbor Bay representative, explained the street design and corrected the review period in the resolution to April 4, 2009.

President Kohlstrand closed the public comment period.

Vice-President Ezzy Ashcraft moved, Board member Cunningham seconded the motion to approve as amended. Motion passed 6-0-0.

8-B Conformance Rezoning – Applicant: City of Alameda:

PLN09-0110 - 1913 Sherman Street (APN 074-0906-031-08) A rezoning of a 1.9 acre property from M-1-PD, Intermediate Industrial (Manufacturing) Planned Development District, to R-2-PD, Two Family Residence Planned Development District.

Staff presented a staff report on the conformance rezonings. Staff requested that only the 1913 Sherman Street project be continued to a later date.

Board member Lynch asked for clarification on the nature for the delay. He recommended that the project be moved forward if staff's recommendation will likely not change after one month's continuation.

Vice-President Ezzy Ashcraft asked for clarification on the neighborhood's request for any future development on this parcel having access solely from Sherman Street.

President Kohlstrand opened the public comment period.

D. Freeman, Estuary Park Action Committee member, spoke about the conceptual design of the proposed Estuary Park and reminded the Planning Board that the change in use would increase residential density, making the park's development an even more pressing necessity.

J. Woodard, Estuary Park Action Committee member, urged the City to begin acquiring the park space and start development of financial resources available from philanthropic funding sources.

K. Pryor, requested that the Planning Board consider maintaining the job base in lieu of converting commercial uses to residential uses.

President Kohlstrand closed the public comment period.

Board member Cook moved, Vice-President Ezzy Ashcraft seconded continuation of 1913 Sherman to the next Planning Board meeting. Motion passed 6-0-0.

PLN09-0112 – 1590 and 1616 Fortmann Way (APN 072-0231-018-00) / PLN09-0116 – 2015 and 2025 Grand Street (APN 072-0381-002-00 and 072-0381-001-00) A rezoning of three parcels from M-2, General Industrial (Manufacturing) District, to R-4-PD, Neighborhood Residential Planned Development District.

PLN09-0113 – 2201 Clement Avenue (APN 071-0289-004-00) / PLN09-0114 – 2189 Clement Avenue (APN 071-0289-007-03) A rezoning of two separate parcels totaling approximately five acres from M-2, General Industrial (Manufacturing) District, to R-2-PD, Two Family Planned Development Residence District.

PLN09-0115 – 2100 Clement Avenue and 1924 Willow Street (APN 071-0228-001-02) A rezoning of a 2.7 acre parcel from M-1, Intermediate Industrial (Manufacturing) District, to R-2-PD, Two Family Planned Development Residence District.

Board member Cook moved, Vice-President Ezzy Ashcraft seconded the recommendation to City Council for the approval of rezoning 1590 and 1616 Fortman Way, 2201 and 2189 Clement Avenue, and 2100 Clement and 1924 Willow Street. Motion passed 6-0-0.

9-A. 2009-2010 Election of Planning Board Officers. The Planning Board will elect a new President and Vice President for the upcoming year, as required by the Planning Board By-Laws.

President Kohlstrand continued this item until a new Planning Board member is appointed by the City Council.

No motion was passed on this item.

9-B Appeal of Major Design Review Approval - DR07-0046 – 1611 Walnut Street – Cheryl Clemans Appellant. Design review approval for a two-story addition and remodel to an existing two-story duplex is being appealed to the Planning Board for consideration.

Staff presented the project.

Board member Cook asked for clarification on the location of the proposed decks on the rear of the property.

C. Clemans, appellant, stated her reasons for appealing the design review: a) the distances between the two homes is five feet and the addition is located in the side yard setback, b) the new addition would shade her property and reduce her privacy, c) her

property value would be reduced, due to reduced access views of trees and the sky, and d) the new addition would increase the volume of residents, resulting in more noise, less parking, and less privacy. She recommended that the new addition end flush with her home.

S. Woan, applicant's representative, pointed out that the applicant has made a good faith effort to accommodate the neighbor's requests and has already included design changes. She continued that the applicant has already initiated construction based on City approvals. Changing the design and removing the existing construction to accommodate changes, would present a significant financial hardship. She requested that the appeal be denied.

Vice-President Ezzy Ashcraft commented that the proposal would positively impact the property values of the overall neighborhood and it is unlikely that the addition would negatively impact the appellants property values. She pointed out that while there would be a negligible increase of shading in December, there already is shading that occurs today. Because the increase of noise or traffic was not raised in the appeal application, she felt that the board could not review this and make a decision on this issue. She recommended denying the appeal.

Board member Cook commented that the deck on the second story should be removed to ensure privacy for the appellant.

Board member Cunningham endorsed removing the deck from the second story to ensure privacy. He pointed out that the proposed setback can be approved with a finding that is routinely done by staff and the Planning Board. He supports denying the appeal, with the condition that the deck on the second story be changed to a window.

Board member Autorino seconded previous members, recommended eliminating the second story deck, and favored denying the appeal.

President Kohlstrand supported the previous comments.

Board member Cunningham moved to deny the appeal with the change to the design review approval that the deck be removed, and the French doors be changed to the windows. Board member Lynch seconded the denial of the appeal. Motion passed 6-0-0.

9-C Use Permit – PLN09-0199 – Applicant - CONGLOBAL Industries at Encinal Terminals – A request to approve an amendment of the existing use permit UP-94-06 to allow ConGlobal to continue existing operations from September 26, 2009 through August 3, 2010. The existing use includes outdoor storage, refurbishing, and sale and lease of shipping containers.

Use Permit – PLN09-0184 – Applicant - Chengben “Peter” Wang for Encinal Terminals – A request to approve an amendment of the existing use permit UP-94-06 to allow for the outdoor storage, refurbishing, and sale and lease of shipping containers, outdoor storage of boats, watercraft, automobiles, RV's,

chassis, trailers, automotive equipment, vehicles, buses, trucks, mobile homes, construction equipment and materials for business, homes, commercial and/or household goods and ancillary uses including office or retail functions from September 26, 2009 through August 31, 2015.

Rezoning – PLN09-0222- Applicant - City of Alameda. A rezoning of property currently occupied by ConGlobal Industries from M-2, General Industrial (Manufacturing) District, to M-X Mixed Use Planned Development District to conform to the General Plan Mixed Use Designation.

Staff presented a staff report.

President Kohlstrand opened the public comment period.

N. Cabral is in opposes the extension of the Use Permit for further trucking operations because it is a significant negative impact to the neighborhood.

S. Rickard, supports the rezoning of the property to Mixed Use. He requested that staff provide information on the status of the Tideland Trust portion of the Encinal Terminals property at the next Planning Board hearing. He also requested that any interim use be carefully examined for compatibility with the area.

L. Arnerich, commented on the delayed redevelopment of the Northern Waterfront and encouraged the Planning Board to approve Use Permits that support businesses and property owners until the actual redevelopment can take place.

President Kohlstrand closed the public hearing.

Board member Autorino stated that he would prefer to move forward on rezoning the property at this hearing. He is concerned that interim uses would not be compatible with the neighborhood.

David Brandt clarified that the code amendment, as proposed for the next hearing, would address interim uses that could be approved until any Master Plan development would be able to start.

Vice-President Ezzy Ashcraft is concerned about a continuation of any trucking related use permit and its impact on the neighborhood. She asked what conditions could be changed to mitigate and address lack of landscaping, visual blight, trash accumulation noise, and air pollution. She favors granting the extension of the Use Permit for ConGlobal, but requests that the phasing out of this business is sped up to ease the impact on the neighbors. In addition, she supports the recommendation from Board member Autorino to only approve interim uses that would move the overall use of the site closer to what the mixed use designation would permit.

Board member Cook commended Andrew Thomas on the excellent staff report discussing the issues surrounding the project.

Board member Autorino moved to approve the extension and move the rezoning to another hearing date. Board member Cunningham seconded the motion. Motion passed 6-0-0.

9. WRITTEN COMMUNICATIONS:

None.

11. BOARD COMMUNICATIONS:

Board members may ask a question for clarification, make a brief announcement or make a brief report on his or her activities. In addition, the Board may provide a referral to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning a City matter or, through the chair, direct staff to place a request to agendize a matter of business on a future agenda.

Vice-President Ezzy Ashcraft commented that the bike parking structures along Central Avenue, across from the theatre have been installed and are well used.

12. ADJOURNMENT: 9:15 p.m.

Respectfully submitted,

Andrew Thomas, Planning Services Manager

This meeting was audio and video taped.